

# EXHIBIT 5

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

INNOVATIV MEDIA GROUP, INC., a  
Wyoming corporation;

Plaintiff,

v.

FTE NETWORKS, INC., a Nevada  
corporation; LATERAL U.S. CREDIT  
OPPORTUNITIES FUND, LP; RICHARD  
DE SILVA; DOES I-X; ROE Entities, I-X,

Defendants.

**DECLARATION OF MARK SUWYN**

I, MARK SUWYN, declare as follows:

1. I am over the age of 18 years old and, unless stated to be on information and belief, have personal knowledge of the facts as set forth herein and could and would competently testify thereto if called upon to do so.

2. I am the Manager of Suwyn Investments LLC.

3. It has come to my attention that, in 2019:

a. TTP8, LLC ("TTP8") represented to FTE that it had acquired legal right, title, and interest in certain promissory notes previously issued by FTE to Suwyn Investments and still held by Suwyn Investments at that time; and

b. based on that representation of legal right, title, and interest in such notes, obtained from FTE certain FTE common stock shares as part of a debt cancellation transaction.

4. That representation by TTP8 was (and still is) false.

5. Moreover, I was unaware of any discussions between TTP8 (and/or Mr. Suneet Singal) and FTE in any way related to these promissory notes which were properly and exclusively Suwyn Investments' at that time (and still are to date).

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